

THE HONORABLE FRANKLIN D. BURGESS

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL KENT MUNCEY,

Defendant.

Case No. CR06-5201FDB

ORDER OF CONTINANCE OF  
TRIAL DATE


THIS MATTER having come before the above entitled Court upon the Motion of the Defendant, MICHAEL KENT MUNCEY, by and through his local counsel, ZENON PETER OLBERTZ, and counsel of record, LARRY R. ROLOFF, for a continuance of the pre-trial conference which is presently scheduled for Friday, September 1, 2006 and the trial for Monday, September 11, 2006.

The Court finds, after consideration of all relevant information, the circumstances of this case, and the reasons set forth in the Motion, that without this continuance the Defendant will be prejudiced and the ability to properly prepare for trial would be impaired. Failure to grant a continuance under these circumstances would result in a miscarriage of justice. The ends of justice would best be served by the granting of the Motion for Continuance. The ends

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4 of justice outweigh the best interest of the public and the Defendant in having the matter  
5 brought to trial sooner. For these reasons, the Court finds the Defendant's Motion for  
6 Continuance should be granted. The pre-trial conference scheduled for Friday, September 1,  
7 2006 is VACATED. The trial scheduled for Monday, September 11, 2006 is VACATED.  
8 The trial shall be rescheduled to October 30, 2006 in Tacoma, Washington.

9 Any and all period of delay resulting from the granting of this continuance, from the  
10 current trial date of September 11, 2006, up to and including the new trial date of October 30,  
11 2006, shall be excludable time pursuant to 18 U.S.C. § 316(h)(1)(F) and (H)(8)(A).

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13 IT IS SO ORDERED this 30<sup>th</sup> day of August, 2006.

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17 FRANKLIN D. BURGESS  
18 UNITED STATES DISTRICT JUDGE

19 Presented by:

20 Larry R. Roloff, Attorney at Law  
21 132 East Broadway, Suite 233  
22 Eugene, Oregon 97401-3154  
23 Attorney for Defendant

24 /s/  
Larry R. Roloff, OSB No. 72216